Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving Public Safety Communications	)	
in the 800 MHz Band	)	WT Docket No. 02-55
	)	
Consolidating the 900 MHz Industrial/	)	
Land Transportation and Business	)	
Pool Channels	)	

To: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF AMEREN CORPORATION

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SUMMARY

Interference in the 800 MHZ band is largely the result of inconsistencies in the Commission's Rules which create two technical problems resulting in 800 MHz digital CMRS base station transmitters causing interference to other 800 MHz communications licensees. First, the Rules allow digital communications base station transmitters to emit higher out-of-band power levels, causing interference to "noise limited" communications systems; and second, the Commission's Rules permit systems based upon different and conflicting technical specifications to operate adjacently, resulting in digital communications base station transmitters causing interference to communications from "interference limited," analog base stations operating on adjacent frequencies, such as those used by public safety entities and licensees, like Ameren, in the business and industrial pool. Because the problems in the 800 MHz band are technical in nature, Ameren Corporation urges the Commission to look for a technical solution and to reject the proposed burdensome, expensive, and ineffectual relocation and rebanding plans that negatively affect incumbent licensees like Ameren Corporation.

Specifically, Ameren Corporation recommends that the Commission: (1) fortify its rules governing the 700 MHz, 800 MHz, and 900 MHz bands by adopting adjacent channel coupled power standards, limiting out of band emissions power levels, revising its Rules regarding emission limits, and requiring user equipment to reject certain adjacent channel signals; (2) establish comprehensive interference mitigation standards by codifying fixed reported interference within a set timeframe, codifying a noise floor standard for new licensees, and codifying external filtering regulations; and (3) include adjacent channel spacing for all "non-EA" frequencies by modifying its licensing and coordination procedures to set adjacent channel

spacing standards and requiring some CMRS operators to submit proposed channel activations for adjacent channel review.

Ameren Corporation adamantly opposes relocation and/or rebanding of incumbent licensees in the 800 MHz band. The proposals offered by Nextel Corporation, the National Association of Manufacturers, and the Private Wireless Coalition all would require expensive, burdensome and unfunded changes in how Ameren Corporation operates its communications network, but would do little, if anything, to remedy the underlying causes of interference. Nextel Corporation's plan, which requires private wireless incumbents to move to different channels, is by far the most costly, disruptive and burdensome band plan. Moreover, Nextel Corporation makes no assurances that implementation of its plan would eliminate the problem of interference. The less burdensome plans submitted by the National Association of Manufacturers and the Private Wireless Coalition also would impose considerable costs and disruptions for private wireless licensees. Both of these plans would subject utilities, whose licenses are used to protect people and property in all conditions and at all times, to incur great expense in coordination efforts and worse, would require certain utility licenses to act as guard bands against cellular architecture and adjacent public safety users. Instead of adopting any of the proposed plans, the Commission should focus on creating a statutory and regulatory structure that addresses the technical problems associated with interference in the 800 MHz band.

TABLE OF CONTENTS

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	)	
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Ameren Corporation ("Ameren"), by its counsel, and pursuant to Section 1.415(c) of the Commission's Rules, hereby submits reply comments in the above-referenced proceeding.[1] In this proceeding, the Commission has asked for comment as to how to remedy the problem of harmful interference that affects public safety licensees in the 800 MHz band. Rather than focus on the reasons why there is interference, however, the vast majority of commenters have focused on blaming various occupants of the band for the interference and proposing ill-conceived plans to remove non-public safety entities from the band. Contrarily, Ameren continues to believe that the problem of interference in the 800 MHz band is inherently a technical one that can and should be remedied by a reliance on technology, and not on burdensome, expensive, and ineffectual relocation and rebanding schemes.

[1] Improving Public Safety Communications in the 800 MHz Band, *Notice of Proposed Rulemaking*, WT Docket No. 02-55 (rel. Mar. 15, 2002) [hereinafter the "*Notice*"].

I. The Commission's Rules Are Inadequate To Serve The Diverse 800 MHz Licensees.

Interference in the 800 MHz band does not stem from incompatible users in the 800 MHz band. Rather, the problem is that the Commission's Rules allow currently incompatible technologies to operate in the 800 MHz band. Thus, interference limited, low site height digital communications systems, such as those used by Nextel Communications, Inc. ("Nextel") and others, coexist and interfere with myriad other communications systems, especially noise limited communications systems, such as those used by public safety entities and licensees, like Ameren, in the business and industrial pool ("B/ILT").[2]

Specifically, the Commission's Rules create two technical problems in the 800 MHz band. First, the Rules allow digital communications base station transmitters, which emit higher out-of-band power levels, to interfere with analog base stations in noise limited communications systems, even while operating within current regulations and to industry technical specifications. Thus, digital operations send more interfering radio frequency energy into adjacent and alternate channels than would an analog base station operating at a similar power level and antenna height.

Second, the Rules permit systems based upon different and conflicting technical specifications, particularly B/ILT systems operating in the "interleaved frequencies" portion of the 800 MHz band, to operate on adjacent frequencies. Thus, newer digital and cellular communications systems, which are built to carrier-to-interference specifications and have numerous low antenna height digital transmitter sites, often conflict with conventional systems, which are built to signal-to-noise specifications, because of their significantly higher ground-level power levels in the vicinity of a base station. The presence of these lower antenna systems,

[2] Several parties note that Nextel is but one of many interfering operators in the 800 MHz band. *See, e.g.,* Comments of Queen Anne's County (Maryland), WT Docket 01-192 (filed Sept. 15, 2001) at 1 (noting that "[i]t is the proximity of use--not only by Nextel but also by other commercial wireless providers--that demonstrates a causal link to interfering with critical public safety radio transmissions").

when coupled with the fact that the Rules do not require user equipment adequately to reject adjacent and alternate channel signals, results in much of the observed interference.[3]

Without action by the Commission, the existing interference problems will worsen as more licensees upgrade to digital radio systems. The solution, however, is not to export certain users to other bands, where the interference problems likely will be replicated. Rather, the solution is that the Commission must act expeditiously to promulgate and codify technical specifications in the 800 MHz band that remedy these technical problems.

II. A Technical Problem Requires A Technical Solution.

Because the problems in the 800 MHz band are technical, and not simply a matter of the nature of the operators located in the band, "*rebanding alone*," Motorola notes correctly, "*will not likely eliminate the interference that CMRS systems are causing to public safety and B/ILT systems*."[4] The same will be true in other bands, such as the 700 MHz band, which is also populated with digital radio systems. Motorola's comments support Ameren's recommendation in its initial comments that the Commission should address existing interference problems through the promulgation and codification of technical rules designed to better accommodate the various types of users in the 800 MHz band.[5] To that end, Ameren respectfully submits the following guidelines.[6]

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[3] *See* Ex Parte Letter from Bill Belt, Telecommunications Industry Association, to Stan Wiggins, Wireless Telecommunications Bureau, WT Docket No. 99-168 (filed November 6, 2002) at 5 [hereinafter "TIA Ex Parte"]; *APCO Best Practices Guide*, December, 2000, at 14.

[4] Comments of Motorola, Inc., WT Docket No. 02-55 (filed May 6, 2002) at 11 (emphasis in original) [hereinafter "Motorola Comments"].

[5] *See* Comments of United Telecom Council, WT Docket No. 02-55 (filed May 6, 2002) at 15 [hereinafter "UTC Comments"].

[6] These guidelines were developed by Ameren in conjunction with other utility members of the UTC.

A. To Fortify Its Rules Governing the 700 MHz, 800 MHz, and 900 MHz Bands, The Commission Should:

- Adopt ACCP instead of the current "FCC Emission Mask" for equipment used in the 800 MHz and 900 MHz bands, similar to the current 700 MHz rules. If adopted, these standards would replace the current regulations for each segment of the 800 MHz and 900 MHz bands and would require new ACCP tables to be developed.

- Adopt the Emissions Limit Guidelines found in Section 27.53 of the Commission's Rules, for all 800 MHz and 900 MHz communications systems to afford improved and consistent adjacent channel protection from CMRS transmissions in these 800 MHz and 900 MHz band segments.[7]

- Adopt the "APCO Best Practices" recommendation to require that user receiver equipment provide a minimum of 75 dB intermodulation specification.[8]

B. The Commission Should Establish Comprehensive Interference Mitigation Standards By:

- Codifying a policy to require that the user receiving interference must upgrade its equipment if the user causing interference is operating under the most recent technical specifications.

- Codifying a policy to require that, in cases of interference where both the interfering licensee and the receiving licensee are operating within FCC regulations or published industry specifications and where both licensees are operating with equipment conforming to the latest FCC regulations, the interferer shall fix reported interference within a set timeframe.

- Codifying a standard for new licensees that they may not increase the noise floor by more than 3 dB or reduce system reliability by a factor greater than 1%.[9]

- Codifying regulations to allow for older equipment to be upgraded with external filtering and other added equipment to reduce or eliminate interference.

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[7] Particularly, the 76 +10 log(P) dB OOBE attenuation requirement for bases and fixed stations should be adopted, where appropriate, throughout these bands. If adopted, these standards would have to be inserted in place of the appropriate regulations for each segment of the 800 MHz and 900 MHz bands and new ACCP tables would need to be developed to reflect these new standards.

[8] *See APCO Best Practices Guide* at 14; Motorola's Interference Technical Appendix, Issue 1.41, February 2002, at 44; Six Month Status Report of the Project 39 Technical Committee, March 19, 2002, at Attachment 5.

[9] *See* National Coordinating Committee Implementation Subcommittee, Appendix O, at 126 [available at http://npstc.du.edu/documents/IM00039-PO24-Appendix-O.pdf].

C. The Commission Should Include Adjacent Channel Spacing For All "non-EA" Frequencies By Modifying Its Licensing And Coordination Procedures To:

- Set adjacent channel spacing standards for use in frequency coordination, whereby the frequency coordinator will review the spacing of channels adjacent to the frequency under consideration as well as co-channel spacing during the coordination process.

- Require CMRS operators to submit their proposed channel activations for adjacent channel review when the new channel is a Business, Industrial, or Public Safety channel that normally would require frequency coordination.

III. Relocation and Rebanding Plans Are Expensive, Burdensome, And Unnecessary.

Ameren disagrees adamantly with dozens of commenting parties who claim that relocation and/or rebanding of incumbent licensees is the only method of solving the problems in the 800 MHz band. As noted above, the problems in the 800 MHz band are technical, and require technical solutions. The various proposals offered by Nextel, the National Association of Manufacturers, and the Private Wireless Coalition, all of which would require expensive and burdensome alterations to the way in which Ameren operates its communications network, would do little, if anything, to remedy the underlying causes of interference.

A. Nextel Proposal

Without doubt, the most costly, disruptive and burdensome band plan is that offered by Nextel.[10] Nextel's plan is based upon the questionable premise that "interference [is caused] to public safety communications in the vicinity of CMRS base stations -- *even though all licensees are operating in compliance with the FCC's rules and the terms and conditions of their FCC licenses."*[11] Because of this no-fault problem, Nextel concludes: "to make additional spectrum available for Public Safety at 800 MHz and solve CMRS-public safety interference, some 800

[10] *See* "Promoting Public Safety Communications," Nextel Communications, Inc. (filed Nov. 21, 2001) [hereinafter "White Paper"].

MHz incumbents must move from their current channel assignments."[12] What follows, then, is a complex plan that would require virtually every incumbent in the band to either reband or relocate its operations at considerable cost. Yet, despite the plan's complexity and cost, as American Electric Power notes, "[n]othing contained in the Nextel proposal assures that the interference problem will be eliminated. To the contrary, the plan calls for disruption of nearly all public safety and B/ILT licensees."[13]

The Nextel plan may appeal to public safety entities. Even though the cost of relocation and rebanding of these entities would be high, Nextel's plan offers these entities two carrots to entice their move: additional spectrum and reimbursement of relocation costs. Of course, additional spectrum does not necessarily mean that these entities will receive less interference. In addition, and although Nextel has offered $500 million to reimburse public safety for relocation costs, it has failed to show that this sum will cover the actual costs of the move and has neglected to explain how such funds will be distributed to the thousands of entities required to move under the plan. Worse still, Nextel has not offered any money up front, forcing all parties to take on credit that Nextel can and will pay these costs.[14] Nextel has suggested that other CMRS licensees in the 800 MHz band should also contribute to the estimated $1.5 billion cost of relocating public safety licensees, but those other licensees have not voiced their willingness to do so in their comments.[15]

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[11] Id. at 7 (emphasis in original).
[12] Id.
[13] *See* Comments of American Electric Power Company, Inc., WT Docket No. 02-55 (filed May 6, 2002) at 5 [hereinafter "AEP Comments"].
[14] Given the financial problems experienced by the telecommunications industry in general, and Nextel specifically, the Commission should require Nextel to offer its promised money as a condition precedent to any relocation or rebanding.
[15] *See, e.g*. Comments of Verizon Wireless, WT Docket No. 02-55 (filed May 6, 2002) at 12 ("we are amazed that Nextel would have the gall to propose to leave the huge balance of the relocation bill to private mobile radio and cellular licensees, even though it is Nextel that is primarily responsible for the interference and Nextel that will benefit from the band realignment.").

Whatever benefits the Nextel plan provides public safety entities, no such remunerations flow to B/ILT entities like Ameren. Under the Nextel plan, B/ILT licensees could remain in the 800 MHz band "on a secondary, non-interference basis where that arrangement is possible and desired by the parties."[16] Otherwise, B/ILT licensees must "relocate expeditiously to the vacant 700 MHz or 900 MHz channels."[17] Worse still, under Nextel's plan, B/ILT "incumbent licensees required to relocate should cover their own costs."[18] As such, every detail of the Nextel plan is unpalatable to B/ILT licensees like Ameren.

First, it is no solution to allow, as Nextel's plan does, B/ILT operators to remain in the 800 MHz, but only as secondary operators. As AEP notes, "such a reclassification would be equal to immediately forcing [B/ILT operators'] systems to another band [because] these providers cannot base their operations on a communications system that could be forced to precipitously discontinue service."[19] Like public safety entities, utilities like Ameren require unhindered communications systems in order to maintain their electric production, transmission, and distribution facilities, and to protect the safety of employees and customers. Requiring Ameren to shift to secondary status would jeopardize the very types of operations Nextel claims to be aiding in its plan.

Second, Nextel asks the Commission to believe that because "there will be a benefit to 800 MHz SMR, Business and Industrial/Land Transportation licensees if they relocate in the 700 MHz, and 900 MHz bands,"[20] presumably because these licensees would gain additional frequencies in the new bands, these entities need not be compensated for their relocation. Nextel is wrong; few if any benefits await private wireless licenses in the new bands, and moreover, the

[16] White Paper at 8.
[17] Id.
[18] Comments of Nextel Communications, Inc., WT Docket No. 02-55 (filed May 6, 2002) at 43.
[19] AEP Comments at 5.

costs of relocation far exceed any such benefits. In the 800 MHz band, B/ILT operators like Ameren possess functioning, reliable radio communications systems. Much of the equipment used by Ameren and many other operators functions only at 800 MHz. Thus, the replacement cost of radios, repeaters, antennas, combiners, and amplifiers required in a move to a new band would be exorbitant. TXU, for example, explains that it "spent 40 million dollars in a 7-year project to convert facilities to the 900 MHz band."[21] AEP predicts that a move to 700 MHz would cost "in excess of $60 million,"[22] and a move to 900 MHz "could be in the range of $75 million."[23] Ameren estimates that it would cost over $50 million to relocate its current radio system to the 700 MHz or 900 MHz bands.

Third, Nextel is mistaken in its belief that any such move can be done quickly, and without considerable disruption to the operations of Ameren and other utilities. As an electric utility, Ameren relies heavily on the reliability of its communications network, which acts as a lifeline between linemen in the field and central coordination units. Accordingly, any replacement of Ameren's communications system will take considerable time, because redundant systems must be maintained at all times. Thus, even presuming that available and compatible spectrum exists in which to move, Ameren anticipates such a move would take five to seven years. As TXU notes, its move to the 900 MHz band took seven years.[24] Moreover, where multiple parties would need to move at the same time, any such relocation could take even longer.

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[20] *Notice* ¶ 44.
[21] Comments of Carolina Power and Light Co and TXU Business Services, WT Docket No. 02-55 (filed May 6, 2002) at 4 [hereinafter "TXU Comments"].
[22] AEP Comments at 10.
[23] Id. at 11.
[24] TXU Comments at 4.

Fourth, and beyond the cost prohibitions and considerable disruption of operations attendant to a move to the 900 MHz band, there lies a larger difficulty in requiring B/ILT to relocate to both the 900 MHz and 700 MHz band, namely, a lack of available equipment. As AEP notes, "[w]hether rebanding to 700 or 900 MHz, there is no off-the-shelf supply of available equipment."[25] Nextel does not explain how entities like Ameren should move expeditiously to a band where there is no available equipment. Moreover, when such equipment becomes readily available, the cost of replacement will be high and the devices will be unproven.

Finally, Nextel claims, and the Commission echoes, that B/ILT operators should fund their own move from the 800 MHz band because Commission precedent exists for forced, uncompensated moves. Specifically, the Commission notes, pointing to a case nearly 40 years old, that it has in the past required incumbents to fund their own relocation.[26] Yet, in that proceeding, the Commission hastened to note that it required the incumbents to bear the costs of the relocation only because the costs were not burdensome.[27] Here, each major utility will incur costs of tens of millions of dollars in any move out of the 800 MHz band. By no definition can the Commission, or Nextel, claim these costs to be anything other than burdensome. Moreover, whatever conclusion the Commission reached in 1965 is at odds with recent Commission precedent which repeatedly has required compensation of displaced incumbents.[28] Accordingly, if the Commission forces B/ILT licensees to relocate, and comparable spectrum is available for

[25] AEP Comments at 9.
[26] *See* Amendment of Parts 2, 21, 74, and 91 of the Commission's Rules and regulations Relative to the Licensing of Microwave Radio Stations Used to Relay Television Signals to Community Antenna Television Systems, *First Report and Order and Further Notice of Proposed Rulemaking,* 1 FCC Rcd 897 (1965).
[27] Id. at 910.
[28] *See* Comments of Southern LINC, WT Docket No. 02-55 (filed May 6, 2002), at 36-37 *citing* Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, *First Report and Order and Third Notice of Proposed Rulemaking,*7 FCC Rcd 6886, 6890 (1992); Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, *First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking,* 11 FCC Rcd 1463, 1510 (1995); Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use

such a move, it must require those entities displacing licensees like Ameren to fund the full costs of the move.

B. National Association of Manufacturers Plan

Although less burdensome and expensive than the Nextel plan, the plan offered by the National Association of Manufacturers ("NAM") would still cause Ameren and other B/ILT licensees to incur considerable costs and subject such operators to similar disruptions as the Nextel Plan.[29] Essentially, the NAM plan is a rebanding one, which would require virtually all licensees to retune to various blocks in the 800 MHz band. The benefit of such a plan, of course, is that it eliminates many of the costs for replacement of infrastructure associated with a relocation to the 700 MHz or 900 MHz band. The NAM plan, however, is not without its problems.

First, and primarily, the plan may not correct the interference issue in the 800 MHz band that is the very reason for this proceeding. As noted above, the problem is largely technical, and simply shifting entities around within the band may do little to correct such interference. Parties would not know if the rebanding has its desired result until after they have suffered through the complicated rebanding process. The chance that the problem could still persist despite rebanding makes this proposal unattractive.

The duration of this process is the second problem with the NAM plan. Although the NAM plan is far less expensive than the Nextel plan, it is still burdensome. As AEP notes, because "[n]o channel-by-channel translation table has been provided," the NAM plan "would

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by the Mobile-Satellite Service, *First Report and Order and Further Notice of Proposed Rulemaking and Order*, 13 FCC Rcd 23949, 23955 (1998) (all requiring compensation of incumbents for relocation expenses).

[29] *See* Letter from Jerry J. Jasinowski to Hon. Michael K. Powell, Chairman, Federal Communications Commission, Dec. 21, 2001.

require a huge amount of frequency coordination activity as entities change[] channels."[30] In fact, licensees may have to move repeatedly during what could become a lengthy and complicated transition process--all without a guarantee of ending the current interference problems.

C. Private Wireless Coalition Plan

The Private Wireless Coalition, which, despite its name, does not represent one of the largest segments of the private wireless industry, utilities, also has offered in its initial comments a rebanding and relocation plan it believes will solve the interference problems in the 800 MHz band.[31] Like the other plans, the Coalition's plan also has several shortcomings.

First, the plan relies to its detriment on availability of spectrum in the upper 700 MHz band.[32] Currently, this spectrum awaits commercial auction. In order for the Coalition's plan to reach fruition, the Commission would have to seek Congressional action to stop the auction, reallocate the spectrum to public safety, determine a method of compensation for relocating public safety licensees, and finally, develop a plan to remove the incumbent television operators from the band. To date, the Commission has had little success in this last endeavor; as Motorola notes, "the 700 MHz band [] remains unusable in the largest cities because it is still largely encumbered with television broadcast licenses."[33] Given these multiple steps to implementation, and the equal number of stumbling blocks awaiting each step, the NAM proposal has little chance of materializing for several years.

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[30] AEP Comments at 6.
[31] *See* Comments of the Private Wireless Coalition, WT Docket No. 02-55 (filed May 6, 2002) [hereinafter "Coalition Comments"].
[32] Id. at 6 *et seq.*
[33] Motorola Comments at 5 (noting that half of the 84 largest cities have fully encumbered 700 MHz spectrum, providing no access to public safety).

Second, Ameren opposes the plan's use of B/ILT licensees to act as guard bands against cellular architecture and adjacent public safety users.[34] The purpose of guard bands is to allow non-essential licensees to operate without interfering with adjacent users and to not be harmed unduly by any interference received. Such a status is unbefitting a utility, whose licenses are used to protect people and property in all conditions and at all times.

Third, if the 700 MHz plan fails to occur, as seems likely, the Coalition has a fallback plan with several troubling features similar to the Nextel and NAM proposals. For example, the Coalition's proposal would allow B/ILT operators to remain at certain frequencies--if they are willing to accept interference from cellular-like systems and are prepared to "move when necessary."[35] As explained above in reference to Nextel's plan, degrading utilities to secondary operators as a practical matter will require their exit from the frequency. In addition, the Coalition's plan would require campus systems to serve as guard bands, which as noted above, is unacceptable. Finally, the Coalition's plan would require comprehensive rebanding, which as noted will cost considerable amounts of money--and may not remedy the underlying causes of interference.[36]

IV. The Commission Must Ensure That Any Consensus Plans Offered In The Reply Comments Will Not Be Promulgated Without Additional Notice and Comment.

On June 27, 2002, the Commission granted an extension of the filing deadline for reply comments in this proceeding so that several parties, including Nextel and NAM, could "pursue a compromise that is acceptable to as wide a cross-section of affected parties as possible."[37] If

[34] Coalition Comments at 11.
[35] Id. at 15.
[36] Ameren estimates that, absent any coordination difficulties, a basic rebanding of its communications system would cost upwards of $400,000. In addition, rebanding could cause technical difficulties which, under certain circumstances, could endanger utility employees and infrastructure.
[37] Improving Public Safety Communications in the 800 MHz Band, *Order Extending Time for Filing of Reply Comments*, DA 02-1523, WT Docket No. 02-55 (rel. June 27, 2002) at ¶ 2.

such a proposal is offered, Ameren urges the Commission to issue a further notice to give interested parties a chance to comment.

The Administrative Procedure Act requires that federal agencies provide adequate notice of rulemakings, including "the substance of the proposed rule or a description of the subjects and issues involved."[38] If the compromise proposal fails to be a logical outgrowth of the Commission's initial *Notice*, such that it includes "changes that are so major that the original notice did not adequately frame the subjects for discussion,"[39] the Commission must provide interested parties an additional opportunity to comment.[40]

Even if the proposed compromise bears some resemblance to the Commission's initial *Notice*, Ameren submits that a further comment period is warranted. At each stage of this process, utilities, which make up one of the largest classes of private wireless users, have been involved by submitting detailed comments and reply comments to aid the Commission in its determination of issues affecting the 800 MHz band. Ameren submits that, even if a "wide cross-section" of affected parties have joined a compromise position, it would be inequitable to promulgate rules from such a plan that the utility industry has had no opportunity upon which to comment.

[38] 5 U.S.C. § 553(b).
[39] *Connecticut Light & Power Co. v. Nuclear Regulatory Commission*, 673 F.2d 525, 533 (D.C.Cir. 1982).
[40] *See, e.g, National Black Media Coalition v. FCC*, 60 RR 2d 855 (2d Cir. 1986) (noting that "although the final rule need not be an exact replica of the proposed rule, a significant deviation deprives affected parties of the opportunity to respond to the proposal").

V. CONCLUSION

The problems in the 800 MHz band are technical, and require a technical solution. It is no answer to require thousands of parties, like Ameren, to relocate their operations, at their own cost and with considerable disruption to their networks, in hopes that this relocation will solve the existing interference problems. The Commission possesses both the expertise and the tools to correct the technical problems in the 800 MHz band. It need not latch itself onto poorly conceived, ill-timed relocation and rebanding plans that threaten to be cures far worse than the disease.

Respectfully submitted,

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